Remarks

The numbered paragraphs of the office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

Response to Amendment

1. The Examiner indicated that this Office action is responsive to the amendment filed on March 10, 2003 and that claims 41-73 were presented for further examination.

Response to Arguments

2. The Examiner indicated that "Applicant's arguments have been fully considered but are not persuasive". The applicant appreciates the Examiner's consideration but maintains that, to the applicant's best information, the Examiner is in error when he states "a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with a plurality of clients to connect to the Internet." The Examiner provides no reference for this assertion. or any support for this conclusion. The applicant agrees that such systems are well known at this time, but wishes to remind the Examiner that such systems were not know, described or understood at the time of filing the parent to this Continuation application. This application claims priority to U.S. Patent Application No. 08943,544, filed on October 3, 1997, which subsequently issued as U.S. Patent No. 6,205,473. Prior to the priority date of this application, such systems as described by the Examiner as "old and known in the art" were not known or in use. The applicant respectfully believes that the Examiner is using current technology as a basis for a purely hindsight reconstruction to establish an

obviousness determination. Accordingly, since the Examiner has provided no basis for his assertion that "a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with a plurality of clients to connect to the Internet" prior the priority date of this application, the applicant respectfully maintains that the Examiner has not made his prima facie case for obviousness. Accordingly, the applicant respectfully requests reconsideration and withdrawal rejections of this action.

Claim Rejections - 35 U.S.C. § 103

3. The Examiner provided a quotation of 35 U.S.C. § 103(a) which forms the basis for the rejections under this section in the Office action. The Examiner reminded the applicant that the applicant has an obligation to point out the inventor and invention dates of claims not commonly owned. The applicant believes that all claims pending in this case are commonly owned. Both inventors are employees of the assignee and have executed assignments of their rights to the assignee. The Applicant believes no other response is required for this paragraph.

4. The Examiner rejected claims 41-73 under 35 U.S.C. 103(a) as being unpatentable over Dillon '726 (U.S. Patent No. 5,995,726). The Applicant has previously requested that claims 41, 59, 70, 71, 72 and 73, the independent claims, on which claims 42-58, and 60-69 depend, be amended to more clearly point out that applicant's invention includes a "plurality of client computers" connected to a "local area network" such that the "server computer" routes download data to the plurality of computers. Dillon appears to disclose and teach a single computer with a one-to-one communications system from an information provider to a single computer. Applicant's invention claims

a plurality of client computers connected to a local area network that is also connected to a server computer to achieve a one-to-many or many-to-many communication system. Thus, the server computer of applicant's invention accomplishes the routing to particular computers on the local area network. The Dillon reference could not be combined with a local area network to accomplish applicant's invention because Dillon provides no server computer and provides no routing capability. Thus, the Dillon reference does not make applicant's invention obvious. Because Dillon is for a single computer and because it provides no routing capability by a server computer, there is no suggestion or incentive in the references that would have motivated one of skill in the art to modify or combine the references to arrive at the claimed invention. Moreover, with no server computer and no routing capability in Dillon, Dillon would not work across a local area network and thus one of skill in the art would not have had a reasonable expectation of success at the time the invention was made regarding the applicant's invention. The applicant believes that the previously requested amendments to these independent claims and these remarks are fully responsive to the rejection of this paragraph.

Also, while the Examiner states that "Dillon does not explicitly teach a local area network (LAN) with a plurality of clients (including hardware and software) in communication with the server. However, it would have been obvious to one of ordinary skill at the time the invention was made to be motivated by the disclosure of the Internet 128 by Dillon to include a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with a plurality of clients to connect to the Internet", the applicant respectfully disagrees. As noted above, the applicant believes that the Examiner is in error when he states "a client-server connected

to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with a plurality of clients to connect to the Internet." The Examiner provides no reference for this assertion. or any support for this conclusion. The applicant agrees that such systems are well known at this time, but wishes to remind the Examiner that such systems were not know, described or understood at the time of filing the parent to this Continuation application. This application claims priority to U.S. Patent Application No. 08943,544, filed on October 3, 1997, which subsequently issued as U.S. Patent No. 6,205,473. Prior to the priority date of this application, such systems as described by the Examiner as "old and known in the art" were not known or in use. The applicant respectfully believes that the Examiner is using current technology as a basis for a purely hindsight reconstruction to establish an obviousness determination. Accordingly, since the Examiner has provided no basis for his assertion that "a client-server connected to a LAN with a plurality of clients because it is old and known in the art to use LAN or WAN with a plurality of clients to connect to the Internet" prior the priority date of this application, the applicant respectfully maintains that the Examiner has not made his prima facie case for obviousness. Accordingly, the applicant respectfully requests reconsideration and withdrawal of this rejection.

Conclusion

5. The Examiner indicated that this action is made final . The applicant is responding to this final Office action with a Request for Continued Examination and fees. The applicant believes that this response is fully responsive to this Final action and respectfully requests continued examination.

The Examiner indicated that a shortened statutory period for response is set and that extensions may be obtained under the provisions of 37 CFR 1.136(a). The applicant is submitted a petition for extension of time and fee for an extension of time under the provisions of 37 CFR 1.136(a). The applicant believes that this submission, being made within the permitted extension period is fully responsive and permits this application to continue prosecution.

6. The Examiner provided information concerning communication with the Examiner on this case. The applicant appreciates the Examiner's willingness to communicate and progress this case.

In view of the foregoing, and in summary, Applicant believes that all issues and points of the Examiner's Office Action have been addressed and that the newly amended claims and all claims dependent on this claims are patentable over the prior art. Reconsideration of the application and allowance of this application is respectfully requested.

Respectfully submitted this 23rd day of November, 2003.

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